

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AMANDA SPENCER

VS.

SPECIALIZED LOAN SERVICING, LLC

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**CIVIL ACTION NO.
3:19-cv-01536-S**

JURY TRIAL DEMANDED

PLAINTIFF'S AMENDED MOTION IN LIMINE

Plaintiff seeks to exclude matters that are incompetent, irrelevant, or prejudicial to the material issues in this case. If the Defendant injects these matters into the trial of this case through a party, an attorney, or a witness, Defendant will cause irreparable harm to Plaintiff's case. If any of these matters are brought up, Plaintiff would be compelled to move for a mistrial.

Plaintiff asks the court, by entering the attached order, to prohibit the Defendant from offering any of this evidence, without first asking for a ruling from the court on the admissibility of the evidence.

1. Any evidence Defendant did not produce in response to a Request for Production of Documents.

AGREED: YES NO

2. Any mention of the probable testimony of a witness who is absent, unavailable, not called to testify in this case, or not allowed, in any manner, to testify in this case.

AGREED: YES NO

3. Any evidence, statement, or argument that plaintiff's case should not be taken seriously because plaintiff does not produce expert testimony.

AGREED: YES NO

4. Any evidence, statement, or argument regarding settlement negotiations. Evidence of settlement negotiations is inadmissible. Fed. R. Evid. 408

AGREED: YES

NO

5. Any evidence, statement or argument about settlement with another party or that Defendant is entitled to offset or credit from any third party settlement.

There is no right to offset in FCRA actions. *Sloane v Equifax Information Services*, 510 F. 3d 495 (4th Cir. 2007). The FCRA imposes distinct duties on furnishers of credit information from the duties it imposes on consumer reporting agencies. These duties are not divisible. *Sloane @ 500.*; *Brim v Midland Credit Mgmt*, 795 F. Supp. 2d 1255 (N.D. Ala. 2011)

AGREED: YES

NO

PRAYER

For these reasons, Plaintiff asks the Court to instruct Defendant and his counsel and witnesses not to mention, refer to, interrogate about, or attempt to convey to the jury in any manner, either directly or indirectly, any of the matters listed above without first obtaining a ruling from the Court outside the presence and hearing of the jury.

Respectfully submitted,

/s/ Sharon K Campbell
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CERTIFICATE OF CONFERENCE

I certify that I have discussed the merits of this motion with Jacob Sparks, counsel for SLS, on July 14, 2021. Mr. Sparks stated that he could not agree to the relief requested.

/s/ Sharon K Campbell

CERTIFICATE OF SERVICE

In keeping with the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been served upon the attorney for the Defendant, via

 CERTIFIED MAIL/RETURN RECEIPT REQUESTED

 TELEPHONIC DOCUMENT TRANSFER (FAX)

 FEDERAL EXPRESS

 COURIER/RECEIPTED DELIVERY

 REGISTERED MAIL/RETURN RECEIPT REQUESTED

 HAND-DELIVERY (IN PERSON)

 REGULAR MAIL

 X ELECTRONIC MAIL

DATED: July 15, 2021

/s/ Sharon K Campbell